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10/629,381	07/29/2003	Christopher M. Doran	2335	6533
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			EXAMINER	
			NGO, NGUYEN HOANG	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/629,381

**Applicant(s)**

DORAN, CHRISTOPHER M.

**Examiner**

NGUYEN NGO

**Art Unit**

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/2/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is in response to the amendment of 12/02/2008.

Accordingly, Claims 1-3, 5-14 are currently pending in the application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claim 1-3, 5, 6, 7, 12, 14, is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards (US 2004/0228292), in view of Bantel et al. (US 4509167), hereinafter referred to as Edwards and Bantel.

**Regarding claim 1, 12,** Edwards discloses a method comprising:

during initiation of a real-time media session between a plurality of user stations (310 and 320 of figure 3) via a communication server (system control 308 provides needed coordination between cell sites and assigns the necessary system resources to support the full duplex dispatch call, page 2 [0018] and figure 3), the communication server directing at least one of the user stations to operate in a mode selected from the group consisting of half-duplex mode and full-duplex mode (switch to full duplex mode or continue to use a half duplex mode of operation, page 1 [0014] and figure 1). Edwards further discloses that the system control (server) provides the needed coordination between the cell sites, the landline network, and the MSs and operating within the wireless communication system and that the system control assigns the necessary system resources to support the full duplex dispatch call (instructing user station to operate in full duplex mode, page 2 [0018]). It should be noted that directing means showing the way by conducting or leading or imposing direction on. Edward thus discloses the communication server directing at least one of the user stations to operate in full duplex mode as Edward discloses that one or more other users who are participating in the call are placed in the full duplex mode of operation by the communication system (through system control 308, page 1 [0013] and figure 3) and that the system controller provides the necessary channel resources to support a full duplex call (page 1 [0012]) and that a visual alert is sent to each radio indicating to the user that the originator of the dispatch call wants to go in full duplex operation ("directing" other users to operate in a full duplex mode, page 1 [0014]).

Edwards fails to specifically disclose the limitation of during the real-time media session, the communication server detecting that a half-duplex capable station joins the session, and responsively directing each other participating station to operate in the half-duplex mode. Edward however discloses that users of mobile stations may operate in a full duplex mode or half duplex mode (page 1 [0014]) and that in a session, if one of the radios involved is not capable of being placed in full duplex mode, it may continue in the dispatch call in a half duplex mode (page 1 [0013]) and that the other radios operating in full duplex mode must wait for the radios operating in half duplex mode (page 2 [0014]), providing the motivation to somehow incorporate radios with different capabilities such as half or full duplex modes. However the concept of directing all the radios of a system to a half-duplex mode, due to individual radio capabilities is a simple and well known concept known in the art. In a similar endeavor, Bantel discloses of such a concept as Bantel discloses;

during the real-time media session (data terminals on an existing conference, col17 lines 63-67), the communication server detecting that a half duplex capable station joins the session (bridge processor determines that the capability response received from the new leg differs from the capabilities of the conference wherein the capabilities include half-duplex mode and full duplex mode , col17 lines 10-25 and col5 lines 30-37 and abstract) and responsively directing each other participating station to operate in the half duplex mode (since the new terminal has indicated a set of capabilities (half duplex mode) differing from the conference, the data bridge system

must now poll the terminals already connected to the data conference to ascertain whether or not these terminals will accept the new parameters, col17 lines 20-61 and col17 lines ). Thus it would have been obvious to a person skilled in the art at the time of the invention to incorporate the concept of negotiating a common set of communication parameters when data terminals having differing capabilities are connected to the same conference(directing all the radios of a system to a half-duplex mode which is a lower capability) as disclosed by Bantel into the method for providing full duplex and half duplex dispatch calls as disclosed by Edwards, in order to provide conference service to all radio, no matter it's capability.

**Regarding claim 2,** Edward discloses the method of claim 1, further comprising:

the communication server selecting the mode (the system controller in response to receiving the full duplex dispatch call request will provide the necessary channel resources to support a full duplex call (page 1 [0012])).

**Regarding claim 3,** Edwards discloses the method of claim 2, wherein selecting the mode comprises:

the communication server learning that at least one of the user stations is half-duplex capable and responsively selecting half-duplex as the mode (users who are participating in a call are placed in the full duplex mode or half duplex mode, page 1 [0013])).

**Regarding claim 5**, Edwards discloses the method of claim 1, wherein instructing the at least one user station to operate in the mode comprises:

sending an instruction to the at least one user station, the instruction directing the at least one user station to operate in the mode (distinct audio/visual alert indicating the mode, page 1 [0014]).

**Regarding claim 6**, Edward discloses the method of claim 5, wherein sending the instruction comprises sending the instruction within session setup signaling (page 2 [0016]).

**Regarding claim 7**, Edward discloses the method of claim 5, further comprising:

a given one of the user stations receiving the instruction and responsively operating in the mode during the real-time media session (page 1 [0014]).

**Regarding claim 14**, Edwards discloses the method of claim 1, further comprising:

during initiation of the real-time media session, the communication server receiving from a user station a request to operate in the mode (system controller in response to receiving the full duplex dispatch call request (page 1 [0012]); and

the server responsively performing the directing (provide the necessary resources to support the full duplex call (page 1 [0012])).

2. Claim 8, 9, 10, 11, 13, is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards (US 2004/0228292), in view of Bantel et al. (US 4509167), in view of Palaez et al. (2004/0190489), hereinafter referred to as Edwards, Bantel, and Palaez.

**Regarding claim 8, 11, 13**, the combination of Edwards, and Bantel fails to specifically disclose wherein operating in the mode during the real-time media session comprises:

receiving an incoming media stream from the communication server while sending an outgoing media stream to the communication server during the real-time media session;

treating the incoming media stream as a floor denial if the mode is half-duplex; playing out the incoming media stream if the mode is full-duplex. Edward however discloses of the well-known concept of push to talk, which involves half-duplex communications (page 1 [0003]). Palaez further discloses PTT (push to talk) services is a half-duplex mode of communication in which communications occur in only one direction and that many communication are bi-directional which is a full duplex communication (page 1 [0005]). Palaez further discloses that in PTT operational mode, to control which party in a call session has transmission rights, correlating to having the floor; the user pushes a PTT button (page 1 [0006]). Thus it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the well known concept of preventing an incoming media stream in a half duplex mode and allowing the incoming media stream if the mode is full duplex as disclosed by Palaez into the method for providing full duplex or half duplex dispatch calls as disclosed by Edwards. It should further be noted that it is well known that in half duplex mode



communications, only one direction of communications is allowed to occur and that a floor is used to distinguish the user and the direction of communication.

**Regarding claims 9, 10**, the combination of the combination of Edwards, Bantel, and Palaez fails to specifically disclose the limitation of presenting a floor denial alert to a user in response to receipt of the incoming media stream. Edwards however discloses of using audio/visual alerts indicating to the users of what mode to operate in (page 1[0014]). Thus it would have been obvious to a person skilled in the art at the time the invention was made to use a floor denial alert in response to receipt of the incoming media stream in order to effectively alert users of a communication device the capable operations in full/half duplex modes.

### ***Response to Arguments***

3. Applicant's arguments with respect to claim 1-3, 5-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Fernandez et al. (US 20050031109), Group Communication System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGUYEN NGO whose telephone number is (571)272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571)272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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